IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9339 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAVITABEN JETHABHAI SOLANKI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9339 of 2000

MS SADHANA SAGAR for Petitioner No. 1

MR MUKESH PATEL A.G.P. for Respondent No. 1

RULE NOT RECD BACK for Respondent No. 2

RULE SERVED for Respondent No. 3-4

CORAM : HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 10/03/2004

ORAL JUDGEMENT

The grievance of the petitioner is that though

she has been working as part time sweeper since 15th December, 1982, her service has not been regularized till this date despite repeated request.

1.1 It appears from the record of the petition that she was appointed as part time sweeper on 15th December, 1982. She thereafter putting in about 15 years service, made a request to respondents to consider her case for regularization of her service by writing letters dated 30th October, 1995, 16th November, 1995. She did not get any reply. It also appears that so far as respondent no. 2 is concerned, under whom she has been working all these years her work was found satisfactory and certificate to that effect was issued on 30th May, 2000. It is stated at the bar by Ms. Sadhna Sagar learned advocate appearing for the petitioner that the petitioner is still in the service and she is being paid Rs.675=00 per month and she has been rendering service till this date.

2. The question regarding regularization of service on temporary or part time employee who has put in number of years of service has been considered and decided by this Court in Special Civil Application No. 8917 of 1998 and its cognate matters by judgment dated 17th February, 2004. In view of the said judgment, this petition deserves to be allowed with the following directions :-

The respondents are, therefore, now required to be directed that irrespective of the Circular of 21st August, 1995, they shall consider the case of the petitioner for appointment on permanent post in Class-IV and if the permanent posts are found vacant, she shall be appointed on the same in accordance with her claim, in the matter of seniority and the Regulations and if otherwise, she is not ineligible. Appointment should not be denied on the ground of overage or on the ground that it may amount to giving a back-door entry. This exercise to be carried out as early as possible but in any case not later than 30th May, 2004. If need be, the petitioner can make appropriate representation, which will be considered in light of this judgment and in particular, the direction given therein.

The petition is, therefore, partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

[AKSHAY H. MEHTA, J.]

/phalguni/